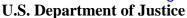
Case 7:17-cr-00225-NSR Document 43 Filed 03/12/18 Page 1 of 2





United States Attorney Southern District of New York

United States District Courthouse 300 Quarropas Street White Plains, New York 10601

March 12, 2018

BY ECF

The Honorable Nelson S. Román United States District Judge Southern District of New York 300 Quarropas Street White Plains, New York 10601

Re: United States v. Okparaeke, S1 17 Cr. 225 (NSR)

Dear Judge Román:

The Government respectfully submits this letter in opposition to defendant Chukwuemeka Okparaeke's March 9, 2018 request to submit new suppression motions based on the superseding indictment filed in the above-referenced matter (the "Superseding Indictment").

On December 26, 2017, the defendant filed a motion to suppress much of the evidence in this case. On February 2, 2018, the Government filed its opposition. On February 25, 2018, the defendant filed his reply. In his reply, the defendant moved for the first time to dismiss two counts charged in the original indictment in this matter. On March 5, 2018, a grand jury returned the Superseding Indictment. The Superseding Indictment made technical changes to Counts One through Three, and added new charges in Counts Four and Five. On March 5, 2018, the Government submitted a letter requesting that the defendant's motion to dismiss two counts in the original indictment be denied as moot, based on the changes to Counts One through Three in the Superseding Indictment. On March 9, 2018, counsel to the defendant informed the undersigned that he intended to seek permission to file an additional motion to suppress evidence based on the Superseding Indictment.

The Government has no objection to the defendant filing a new motion challenging the Superseding Indictment itself. The Government respectfully submits, however, that the Superseding Indictment does not provide a basis for the defendant to file additional suppression motions. The Government presumes that the defendant's December 26, 2017 suppression motion remains pending. The Superseding Indictment does not impact the pendency of that motion in any way, nor does the Superseding Indictment change the scope of the evidence in this case. The new counts—Counts Four and Five—are based on the same evidence that was at issue when the defendant filed his suppression motion on December 26, 2017. For that reason, the Government respectfully opposes the defendant's request to file additional suppression motions on a new briefing schedule.

Respectfully submitted,

GEOFFREY S. BERMAN United States Attorney

By: <u>/s/ Gillian Grossman</u>

Gillian Grossman

Assistant United States Attorney

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cc: Tony Mirvis, Esq. (by ECF)